

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**CHARLES RAY SIMS and PAMELA SIMS,
Individually and on behalf of all others
similarly situated,
Plaintiffs,**

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CASE NO. 5:07-cv-05053-JLH

VERSUS

**MENU FOODS INCOME FUND,
MENU FOODS MIDWEST CORPORATION,
MENU FOODS SOUTH DAKOTA INC.,
MENU FOODS, INC., MENU FOODS
HOLDINGS, INC.,
Defendants.**

**MOTION FOR DEFAULT PURSUANT TO RULE 55 OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

Come now the Plaintiffs, Charles Ray Sims and Pamela Sims, on behalf of themselves and others similarly situated, and for their Motion for Default against the Separate Defendants, Menu Foods Midwest Corporation, Menu Foods South Dakota Inc., Menu Foods, Inc., and Menu Foods Holdings, Inc. (hereinafter "Separate Defendants") state:

1. The Separate Defendants failed to file an answer or otherwise defend in the current matter in a timely manner.

2. The Plaintiffs are entitled to a default against the Separate Defendants for said failure.

3. Plaintiffs concurrently file a brief in support of their Motion.

WHEREFORE, Plaintiffs pray that the Separate Defendants be found to be in default and for all other appropriate relief to which they may be entitled, including but not limited to costs and attorney's fees.

Dated: May 3, 2007.

CHARLES RAY SIMS and PAMELA
SIMS, On Behalf of Themselves and
Others Similarly Situated, PLAINTIFFS
LUNDY & DAVIS, L.L.P.
Attorneys for the Plaintiffs
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By: /s/ Jason M. Hatfield
Jason M. Hatfield
AR Bar #97143

CERTIFICATE OF SERVICE

I, the undersigned, of Lundy & Davis, L.L.P., state that I have caused the above and foregoing document to be served upon defense counsel via e-mail transmission, as follows:

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Hon. Robert L. Jones, III
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on this 3rd day of May, 2007.

/s/ Jason M. Hatfield
Jason M. Hatfield